REMARKS

Claims 1 and 16 are amended. Claims 45-52 are canceled without prejudice. Claims 1, 3-11, 13-19, 21-26, 28-34 and 36-44 are pending. In view of the following remarks, Applicant respectfully requests that the claims be allowed and that the application be forwarded on to issuance.

Examiner Interview

Applicant would like to thank the Examiner for the telephone interview conducted on July, 2, 2007. During the interview, the reference to Ban (US Patent No. 5,799,168) and Blumenau (US patent No. 5,875,478) were discussed. Specifically, applicant noted that Ban discloses a standardized driver that interfaces with flash chips. Ban employs a controller that is capable of interpreting signals from a standardized driver into particular commands to a flash unit. Ban instructs that its CPU produces commands necessary to perform flash memory tasks in a uniform, standardized format. Ban's solution, as instructed by Ban, moves the problem of conforming to particular requirements of the flash chip from the driver installed on the CPU onto a controller installed on the flash unit. Thus, each of Ban's flash units has its own unique controller that is configured to receive commands that are expressed in a standard format.

Blumenau simply teaches the notion of incorporating a backup driver in the kernel space of a computer in host disk. Applicant and examiner agreed that making the combination of these references, as suggested by the office, would run contrary to Ban's teaching of including, on each flash unit, its own unique controller.

§ 101 Rejections

Claims 9-11, 13-19 and 21-22 stand rejected under 35 U.S.C. § 101 because, in the Office's opinion, the claimed invention is directed to non-statutory subject matter. Specifically, the Office asserts that the claims are directed to a computer program per se. Independent claims 9 and 16 have been amended to recite that the flash driver is embodied on a computer readable storage medium. Applicant believes, with this amendment, the office's rejections are traversed.

§ 112 Rejections

Claims 9-11, 13-19 and 21-22 stand rejected under 35 U.S.C. § 112, first paragraph, for, in the Office's opinion, not being supported by either a specific and significant asserted utility or a well-established utility. Applicant respectfully disagrees. For example, claim 9 specifically recites that the flash medium logic is programmable to permit users to match particular medium requirements of a specific manufacturer. Likewise, independent claim 16 recites that the flash medium logic is programmable to permit users to match particular flash medium requirements of a specific manufacturer. Applicant respectfully submits that this subject matter recites a specific utility, i.e., providing program ability to permit particular medium requirements of a specific manufacturer to be matched.

In view of the above comments, Applicant respectfully submits that the office's rejections are traversed.

§ 103 Rejections

Claims 1, 5-11, 15-18, 22-25, 29-33 and 37-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,799,168 ("Ban"), in view of U.S. Patent No. 6,725,321 ("Sinclair") in further view of U.S. Patent No. 5,875,478 to Blumenau and U.S. Patent No. 6,253,281 ("Hall").

Claims 3-4, 13-14, 19, 21, 26, 28, 34 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ban in view of Sinclair, in further view of Blumenau, U.S. Patent No. 6,493,807 ("Martwick") and U.S. Patent No. 6,253,281 ("Hall").

Claims 46 and 47 stand rejected under 35 U.S.C. §103(a) over Hall and Martwick.

Claims 48 and 52 stand rejected under 35 U.S.C. § 103(a) over Hall in view of Ban.

Claim 49 stands rejected under 35 U.S.C. § 103(a) over Hall in view of Sinclair.

Claim 51 stands rejected under 35 U.S.C. § 103(a) over Hall in view of Sinclair.

The Claims

During the interview referenced above, applicant and examiner discussed the reference to and combination of Ban and Blumenau. Specifically, as noted above, Ban employs a controller that is capable of interpreting signals from a standardized driver into particular commands to a flash unit. Ban instructs that its CPU produces commands necessary to perform flash memory tasks in a uniform, standardized format. Ban's solution, as instructed by Ban, moves the problem of

conforming to particular requirements of the flash chip from the driver installed on the CPU onto a **_controller installed on the flash unit_**. Thus, each of Ban's flash units has its own unique controller that is configured to receive commands that are expressed in a standard format.

Blumenau simply teaches the notion of incorporating a backup driver in the kernel space of a computer in host disk. Applicant and examiner agreed that making the combination of these references, as suggested by the office, would run contrary to Ban's teaching of including, on each flash unit, its own unique controller.

Claim 1 recites, in pertinent part, that the flash memory driver resides as a component within an operating system of the computer. During the interview, it was agreed that modifying Ban with the teachings of Blumenau would run contrary to Ban's specific teaching that its functionality occurs in the flash unit itself.

Likewise, **claim 9** recites, in pertinent part, that the flash driver resides as a component within an operating system of the computer. During the interview, it was agreed that modifying Ban with the teachings of Blumenau would run contrary to Ban's specific teaching that its functionality occurs in the flash unit itself.

Claim 16 recites, in pertinent part, a flash driver that is programmable to permit users to match particular flash medium requirements of a specific manufacturer. Ban does not disclose any such subject matter. Rather, its matching functionality is provided by a driver installed on a flash unit. The installed driver is specifically configured for its particular flash unit and is not programmable in a manner that permits users to match particular flash medium

requirements of a specific manufacturer.

Claim 23 recites, in pertinent part, that flash media logic and flash abstraction logic reside within an operating system of a processing device. During the interview, it was agreed that modifying Ban with the teachings of Blumenau would run contrary to Ban's specific teaching that its functionality occurs in the flash unit itself.

Claim 33 recites that the method is performed by way of a component residing within an operating system of the processing device. During the interview, it was agreed that modifying Ban with the teachings of Blumenau would run contrary to Ban's specific teaching that its functionality occurs in the flash unit itself.

Claim 42 recites, in pertinent part, that the flash driver is located as a component within an operating system and is remote from the flash memory medium. During the interview, it was agreed that modifying Ban with the teachings of Blumenau would run contrary to Ban's specific teaching that its functionality occurs in the flash unit itself.

Claim 43 recites, in pertinent part, that the flash driver resides as a component within an operating system. During the interview, it was agreed that modifying Ban with the teachings of Blumenau would run contrary to Ban's specific teaching that its functionality occurs in the flash unit itself.

Claim 44 recites, in pertinent part, that the flash driver is located as a component within an operating system and is remote from the flash memory medium. During the interview, it was agreed that modifying Ban with the teachings of Blumenau would run contrary to Ban's specific teaching that its functionality occurs in the flash unit itself.

Conclusion

The Applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully submitted,

Dated: 7/27/2007   By: /Lance R. Sadler/
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